

## Message Text

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ACTION SCS-06

INFO OCT-01 ARA-14 ISO-00 CA-01 L-03 H-02 /027 W  
-----003691 232313Z /41

R 231446Z DEC 77  
FM AMEMBASSY GEORGETOWN  
TO SECSTATE WASHDC 5908

UNCLAS GEORGETOWN 3322

E.O. 11652: N/A  
TAGS: CASC (GRIFFITH, DANA)  
SUBJECT: W/W DANA GRIFFITH, JUNE 8, 1970, CALIFORNIA

REF: A. STATE 303126  
      B. STATE 303147  
      C. GEORGETOWN 3098

1. EMBASSY CAREFULLY REVIEWED REFTELS A AND B  
PERTAINING TO GRIFFITH FAMILY IN GUYANA. IN OUR  
JUDGMENT THE INFORMATION CONTAINED IN REFTEL A  
DOES NOT GIVE CONSULAR OFFICER LEGAL AUTHORITY TO  
SEEK REMOVAL OF A 7 YEAR OLD GIRL FROM THE CUSTODY  
OF HER GRANDMOTHER. QUITE FRANKLY, WE WERE  
SURPRISED THAT DEPARTMENT WOULD INSTRUCT EMBASSY  
TO INTERVENE IN A CHILD CUSTODY MATTER AND SEEK  
GOG OFFICIAL ACTION IN HAVING CHILD  
TAKEN FROM HER GRANDMOTHER AND RETURNED TO US  
SOLELY ON BASIS OF A TELEPHONE REQUEST.

2. EMBASSY INFORMED APPROPRIATE GUYANESE  
AUTHORITIES OF MRS. CARNELLA GRIFFITH'S DESIRE  
TO REMOVE HER DAUGHTER DANA FROM CUSTODY OF GRAND-  
MOTHER. HOWEVER AS EMBASSY AND DEPARTMENT ARE  
ALREADY AWARE FROM EXPERIENCE WITH THE STOEN CASE  
DURING AUGUST THIS YEAR, UNDER GUYANESE LAW,  
ONLY THE GUYANESE COURTS HAVE AUTHORITY TO MAKE  
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LEGALLY BINDING DECISIONS CONCERNING CUSTODY OF  
CHILDREN RESIDENT IN GUYANA. EVEN A US COURT ORDER  
WOULD NOT BE LEGALLY BINDING, BUT WOULD BE CONSIDERED AS  
IMPORTANT MATERIAL EVIDENCE IN JUDICIAL PROCEEDINGS HERE.

3. GUYANESE AUTHORITIES WILL NOT REMOVE DANA FROM  
HER GRANDMOTHER WITHOUT A GUYANESE COURT ORDER

EMPOWERING THEM TO DO SO. THEREFORE, UNLESS THE GRANDMOTHER CAN BE PERSUADED TO VOLUNTARILY RELINQUISH CUSTODY OF DANA, THE ONLY LEGAL REMEDY WOULD BE FOR ONE OF DANA'S PARENTS TO COME TO GUYANA, ENGAGE A LOCAL LAWYER AND OBTAIN A RULING IN A GUYANESE COURT.

4. WE ASSUME THAT MRS. CARNELLA GRIFFITH HAS MADE KNOWN TO THE GRANDMOTHER HER DESIRE TO HAVE DANA RETURNED. CONSUL WILL INFORM GRANDMOTHER OF DANA'S MOTHER'S WISHES DURING VISIT TO JONESTOWN IN NEAR FUTURE. ASSUMING THAT THE GRANDMOTHER WERE TO BRING DANA TO GEORGETOWN FOR RETURN TO THE US WHO WILL PAY FOR AIR FARE AND ASSUME RESPONSIBILITY FOR CHILD DURING TRANSIT?

5. REFTEL A RAISES SEVERAL QUESTIONS ABOUT DANA'S STATUS WHICH MRS. CARNELLA GRIFFITH WILL UNDOUBTEDLY BE ASKED IF CASE IS TAKEN TO GUYANESE COURT. FOR EXAMPLE, WHY WAS DANA RESIDING WITH GRANDMOTHER PRIOR TO HER DEPARTURE FROM THE US AND FOR HOW LONG HAD SHE BEEN IN THE GRANDMOTHER'S CUSTODY? HOW WAS SHE BROUGHT TO GUYANA AGAINST PARENTAL WISHES? WAS OBJECTION RAISED AT THE TIME WITH US AUTHORITIES? WHY DID MOTHER DELAY OVER SIX MONTHS TO REQUEST HER RETURN?  
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6. MRS. MARY GRIFFITH HAS BEEN TO THE EMBASSY ON TWO OCCASIONS. ON ONE OF THESE VISITS, SHE REPORTED THE DEATH OF HER HUSBAND, EMMITT GRIFFITH, AND MADE APPLICATION FOR SOCIAL SECURITY BENEFITS FOR HER SURVIVING CHILDREN AND GRAND CHILDREN OF WHOM DANA GRIFFITH IS ONE. ALTHOUGH QUESTION OF DANA'S CUSTODY WAS NOT AT ISSUE THEN, THE IMPRESSION THAT MRS. GRIFFITH GAVE REGARDING THE GRAND CHILDREN WAS THAT ALL THESE CHILDREN HAD BEEN RESIDING WITH HER AND MR. GRIFFITH AND HAD BEEN SUPPORTED BY THEM FOR SOME TIME BEFORE THEIR ARRIVAL IN GUYANA.

7. EMBASSY BY LETTER DATED DECEMBER 12, 1977 AND REFTEL C INFORMED REVEREND WESBY GRIFFITH OF THE DEATH OF HIS RELATIVE. OUR LETTER ALSO RESPONDED TO ALLEGATIONS OF ILL TREATMENT OF AMERICAN CITIZENS AT JONESTOWN. INCOMING LETTER FROM WESBY GRIFFITH WAS CO-SIGNED BY 21 INDIVIDUALS ALL PRESUMABLY RELATIVES OF THE GRIFFITH FAMILY. REFTEL C GAVE DETAILS PERTAINING TO EMMITT GRIFFITH'S DEATH. CONSUL INFORMED MRS. GRIFFITH OF

RELATIVES CONCERN FOR HER WELL BEING. SHE INFORMED  
CONSUL SHE INTENDS TO REMAIN IN GUYANA FOR AN  
INDEFINITE PERIOD.

8. CONSUL IS PLANNING TO VISIT JONESTOWN WITHIN  
NEXT TWO WEEKS. AT THAT TIME HE WILL ARRANGE  
PERSONAL, PRIVATE CONTACT WITH A NUMBER OF INDIVI-  
DUALS WHO HAVE BEEN THE SUBJECT OF WELFARE/  
WHEREABOUTS INQUIRIES, INCLUDING DANA GRIFFITH.

9. ACTION REQUESTED: DEPARTMENT SHOULD INFORM  
GRIFFITH FAMILY OF CONTENTS OF PARAGRAPHS SIX AND  
SEVEN ABOVE AND MAY WISH TO INFORM CARNELLA  
GRIFFITH THAT HER DESIRE FOR THE RETURN OF DANA  
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HAS BEEN TRANSMITTED TO THE GOG WHICH IN TURN HAS  
INDICATED THAT IT IS POWERLESS TO ACT IN FAMILY  
DISPUTES WITHOUT A GUYANESE COURT ORDER. IF  
PRIVATE VOLUNTARY ARRANGEMENTS FOR THE RETURN OF  
DANA TO THE US, CANNOT BE AGREED UPON BETWEEN DANA'S  
MOTHER AND HER GRANDMOTHER THEN DANA'S MOTHER  
WOULD HAVE TO CONSIDER BRINGING SUIT IN A GUYANESE  
COURT. TO DO THIS SHE, OR DANA'S FATHER, WOULD HAVE  
TO COME TO GUYANA AND ENGAGE A GUYANESE LAWYER.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Disposition History:** n/a  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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**Reference:** 78 STATE 303126, 78 STATE 303147, 78 GEORGETOWN 3098  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 01-Mar-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 140849  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** W/W DANA GRIFFITH, JUNE 8, 1970, CALIFORNIA  
**TAGS:** CASC, (GRIFFITH, DANA)  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odhc://SAS/SAS.dbo.SAS\_Docs/45c5cafd-c188-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009